

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-6 are currently pending in this application. By this Amendment After Final Rejection, the applicant amends claim 1 and leaves claims 2-6 unamended.

Amended claim 1 recites a brush and brush holder assembly for a micro horsepower (HP) electric motor, comprising: a brush having a tip; a brush holder surrounding the tip of the brush; a shunt carrying current to the tip of the brush; and an independent coil wire spring applying constant pressure to the brush; wherein the electric motor is operable at less than .001 HP.

In the outstanding Office Action of March 7, 2005, claim 1 was finally rejected under 35 U.S.C. 102(b) for anticipation by either U.S. Patent No. 4,843,274 of Paisley or U.S. Patent No. 6,031,313 of Sugai et al. Also, all claims 1-6 were finally rejected under 35 U.S.C. 102(e) for anticipation by U.S. Patent No. 6,744,170 of Du et al. These rejections are hereby traversed.

In regard to the rejections, Examiner Le conducted a personal interview with the undersigned attorney on April 13, 2005. During the interview, agreement was reached to allow the application if language in the preamble of claim 1 was relocated to the end of the body of claim 1. The applicant thanks the examiner for the courtesy of the interview held with his attorney.

On the merits of the applied prior art references, the applicant has the following comments.

Paisley discloses a brush holder for a dynamoelectric machine. In particular, his invention relates to direct current electric motors and generators. In column 1, lines 9 and 10, Paisley states: "In such machines, very large currents flow between the carbon composition brushes and the commutator." (Emphasis added.) In the specification of Paisley, there is no disclosure or suggestion that his electric motor is capable of operating at less than .001 horsepower, as the invention is now recited in the body of amended claim 1.

Sugai et al. disclose a bush holder device for a "motor mounted on a vehicle." See column 1, lines 10 and 11, of Sugai et al. Thus, the current is necessarily large. Since the current is large, the electric motor of Sugai et al. is not capable of operating at less than .001 horsepower, as required by amended claim 1 defining the present invention.

Du et al. disclose a brush assembly secured to a spider of an electric motor used in small appliances such as power tool drills. Although the required current is small, there is no disclosure or suggestion that any power tool drill is capable of operating at less than .001 horsepower, as the present invention is defined in amended claim 1.

Based on the above discussion, it is respectfully submitted that amended claim 1 is patentably distinguishable over the applied references. Therefore, dependent claims 2-6 are also patentably distinguishable over Paisley, Sugai et al. and Du et al.

Thus, the rejection of claim 1 under 35 U.S.C. 102(b) for anticipation by either Paisley or Sugai et al. is believed to be overcome. Likewise, the rejection of all claims 1-6 under 35 U.S.C. 102(e) for anticipation by Du et al. is also believed to be overcome.

Consequently, in view of the foregoing amendments and remarks, no further issues are believed to be outstanding and the present invention should be considered in clear

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condition for formal allowance. Therefore, a quick and favorable action to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

A handwritten signature in cursive script, reading "Joseph A. Scafetta, Jr.", is written over a horizontal line.

Joseph A. Scafetta, Jr.  
Registration No. 26,803

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

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